

ORDINANCE NO. 46-403

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY OF  
THE CITY OF WICHITA, KANSAS

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. PUD2004-00003 Amendment #1 to PUD #12**

Amendment #1 to Planned Unit Development #12 Equestrian Estates to permit a neighborhood swimming pool on property described as:

Lot 14, Block 1, Equestrian Estates, an Addition to Wichita, Sedgwick County, Kansas.  
Generally located approximately one-fourth mile south of Harry on the southwest corner of Triple Crown Court and Triple Crown Street. (1777 South Triple Crown St.)

**SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The site shall be developed in general conformance with the approved site plan.
2. The subject property shall be developed in accordance with the regulations of the Landscape Ordinance, with the additional requirement of solid evergreen plantings between the pool and deck and the residential property lines to the south and west, per a landscape plan approved prior to the issuance of a building permit.
3. A 15-foot building setback shall be provided on the south and west property lines.
4. Parking shall be no nearer than eight feet from the street on the north and east property lines. A landscaped planting bed with parking lot screening shall be provided to screen the parking lot.
5. A minimum of 12 parking spaces, including one ADA accessible space, shall be provided.
6. Development and use of the subject property for a neighborhood swimming pool shall be in accordance with all applicable federal, state, and local rules and regulations, including building and construction codes, health codes, and operational standards. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
7. The transfer of title of all or any portion of the land included within the Planned Unit Development does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon the present owners, their successors and assigns, unless amended.
8. The applicant shall submit 4 revised copies of the PUD. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

**ADOPTED AT WICHITA, KANSAS,** November 16, 2004.

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Carlos Mayans, Mayor

**ATTEST:**

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Karen Sublett, City Clerk

(SEAL)

Approved as to form:

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Gary E. Rebenstorf, City Attorney